

### **REMARKS**

This is a full and timely response to the outstanding final Office Action mailed May 4, 2005. Claims 1, 2, 5 - 9, 13 - 17, and 20 - 23 remain pending. In particular, Applicants have amended claims 1, 9, 13, 14 and 17, and have cancelled claim 10 without prejudice, waiver, or disclaimer. Applicants have canceled claim 10 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of this canceled claim in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **Rejections under 35 U.S.C. § 103**

The Office Action indicates that claims 1, 2, 5, 7 - 10, 13, 15 - 17, 20, 22 and 23 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Kinjo* in view of *Ishihama*. Additionally, the Office Action indicates that claims 6, 13 and 21 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Kinjo* in view of *Ishihama*, and further in view of *Weldy*. With respect to claim 10, Applicants have cancelled this claim and respectfully assert that the rejection as to this claim has been rendered moot. With respect to the remaining claims, Applicants respectfully traverse the rejection.

With respect to *Kinjo*, *Kinjo* generally relates to a digital camera and image processing method. In particular, *Kinjo* discloses:

The digital camera includes an image pickup unit, an image storing unit, an image display unit, a reference image designating unit with which one or more of at least partial areas of an image to be referenced for image compositing are designated as a reference image area and an image compositing unit which produces a composite image such that a

reference image within the reference image area is displayed as superposed on an image being presently photographed. The image processing method attaches first identification information to one or more of at least partial areas of the specified image and designated area information upon photographing, attaches second identification information to an image in an shooting frame to be composited with the reference image and prepares image data for a composite image obtained by compositing the image with the reference image based on the first and second identification information as well as the designated area information.

(*Kinjo*, Abstract).

However, *Kinjo* also discloses:

The photoprinter 50 as shown includes a driver 52 for ***reading out of the recording medium R the image data such as the image data for the taken image to be composited with the reference image and the image data for the taken image to be referenced for image compositing*** as well as the compositing-editing information such as the first and second identification information and designated area information or processing information and after-compositing light transmittance information concerning the reference image; a frame memory 54 for storing the image data read out by the driver 52; an information acquiring section 56 which acquires and stores the compositing-editing information read out by the driver 52; an image processing section 56 for reading out the image data stored in the frame memory 54 and subjecting it to various processing steps required for image outputting; an image composition section 60 which assembles the image data for the taken image to be composited with the reference image with the image data for the reference image incorporated into the image data for the taken image to be referenced for image compositing, based on the compositing-editing information from the information acquiring section 56; a quoted image acquiring section 62 for acquiring the quoted image data which is used instead of the image data for the taken image to be referenced for image compositing; and an image outputting section 64 which outputs a reproduced image or a reproduced image data obtained from the composite image data prepared in the image compositing section 60.

(*Kinjo* at [0067]). (Emphasis Added).

Based on the representative teaching of *Kinjo* above, it is clear that *Kinjo* stores captured images to memory of the digital camera and retains those stored digital images for subsequent processing by a photoprinter. This is in direct contrast to the limitations recited in Applicants' claims.

In this regard, Applicants have amended claim 1 to recite:

1. A digital camera, comprising:  
means for merging at least two images of a scene to form a merged image, the at least two images including different views of the scene;  
means for cropping the merged image; and  
***means for storing an uncropped portion of the merged image such that, responsive to the at least two images being captured, the means for storing stores the at least two images and provides the at least two images for merging;***  
***wherein, subsequent to cropping of the merged image, the uncropped portion is stored by the means for storing and a corresponding cropped portion is deleted therefrom.***

(Emphasis Added).

Applicants respectfully assert that the cited references, either individually or in combination, are legally deficient for the purpose of rendering claim 1 obvious.

Specifically, Applicants respectfully assert that the combination does not teach or reasonably suggest at least the features/limitation emphasized above in claim 1.

Notably, *Ishihama* does not teach or reasonably suggest the features that are described above as lacking in *Kinjo*. Therefore, Applicants respectfully request that the rejection of claim 1 be removed, and that this claim be placed in condition for allowance.

Since claims 2, 5, 7 and 8 are dependent claims that incorporate the limitations of claim 1, and are not otherwise rejected by the Action, Applicants respectfully assert that these claims also are in condition for allowance. Additionally, these claims recite other limitations that can serve as an independent basis for patentability.

With respect to claim 9, Applicants have amended claim 9 to recite:

9. A method of controlling the operation of a digital camera, comprising:  
storing at least two captured images representing different image views of a scene;  
merging the at least two captured images to form a merged image;  
***storing an uncropped portion of the merged image; and deleting a cropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer stored in the digital camera.***

(Emphasis Added).

Applicants respectfully assert that the cited references, either individually or in combination, are legally deficient for the purpose of rendering claim 9 obvious.

Specifically, Applicants respectfully assert that the combination does not teach or reasonably suggest at least the features/limitation emphasized above in claim 9.

Notably, *Ishihama* does not teach or reasonably suggest the features that are described above as lacking in *Kinjo*. Therefore, Applicants respectfully request that the rejection of claim 9 be removed, and that this claim be placed in condition for allowance.

Since claims 14 - 16 are dependent claims that incorporate the limitations of claim 9, and are not otherwise rejected by the Action, Applicants respectfully assert that these claims also are in condition for allowance. Additionally, these claims recite other limitations that can serve as an independent basis for patentability.

With respect to claim 17, Applicants have amended claim 17 to recite:

17. (Currently Amended) A computer readable medium for controlling the operation of a digital camera, comprising:  
logic that merges at least two captured images corresponding to two different image views of a scene to form a merged image;  
***logic that stores an uncropped portion of the merged image;***  
***and***  
***logic that deletes a cropped portion of the merged image prior to storing the uncropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer stored in the digital camera.***

(Emphasis Added).

Applicants respectfully assert that the cited references, either individually or in combination, are legally deficient for the purpose of rendering claim 17 obvious. Specifically, Applicants respectfully assert that the combination does not teach or reasonably suggest at least the features/limitation emphasized above in claim 17. Notably, *Ishihama* does not teach or reasonably suggest the features that are described above as lacking in *Kinjo*. Therefore, Applicants respectfully request that the rejection of claim 17 be removed, and that this claim be placed in condition for allowance.

Since claims 20, 22 and 23 are dependent claims that incorporate the limitations of claim 17, and are not otherwise rejected by the Action, Applicants respectfully assert that these claims also are in condition for allowance. Additionally, these claims recite other limitations that can serve as an independent basis for patentability.

With respect to claims 6, 13 and 21, Applicants respectfully assert that the foregoing amendments are sufficient to overcome the rejections of these claims and that these claims are in condition for allowance. In particular, Applicants respectfully assert that these claims are dependent claims that incorporate the limitations of their respective independent claims, the allowability of each of which is described above.

Since *Weldy* does not teach or reasonably suggest the features that are identified above as lacking in the combination of *Kinjo* and *Ishihama*, Applicants respectfully assert that these claims are in condition for allowance.


**Art Made of Record**

The art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

### **CONCLUSION**

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



---

**M. Paul Qualey, Jr.**  
**Registration No. 43,024**